

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M.
January 30, 2025

Hearing Room No. 2
Churchill Building, 10019 - 103 Avenue NW, Edmonton, AB

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I 9:00 A.M. SDAB-D-25-014

WITHDRAWN

To construct a Residential Use building in the form of a 4 Dwelling Row House with an unenclosed front porch, 3 Secondary Suites in the Basement and 1 Basement development

10627 - 149 Street NW
Project No.: 520490812-002

TO BE RAISED

II 1:30 P.M. SDAB-D-25-015

To cease the Minor Industrial Use (storage of skidsteer and Yards Care INC trailer) and remove all related commercial/industrial equipment and trailers from the site by December 30, 2024

4604 - 119 Avenue NW
Project No.: 497922391-002

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

WITHDRAWN

FILE: SDAB-D-25-014

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 520490812-002

APPLICATION TO: Construct a Residential Use building in the form of a 4 Dwelling Row House with an unenclosed front porch, 3 Secondary Suites in the Basement and 1 Basement development

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: December 18, 2024

DATE OF APPEAL: January 4, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10627 - 149 Street NW

LEGAL DESCRIPTION: Plan 5887HW Blk 7 Lot 24

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Jasper Place District Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

I am writing to respectfully appeal the decision to deny the creation of a fourth legal suite in the basement of the approved fourplex. I kindly request reconsideration based on the following points:

1. Addressing Site Area and Unit Limitations

The city requires 75 m of land per unit. For 8 units, the total required land is 600 m. Our property measures 585.24 m, falling 14.76 m short. Despite this, the property has been approved for a fourplex and three legal suites. We now seek approval for a fourth legal suite within the existing structure. This request maintains the total number of dwellings at 7, aligning with site area limitations and zoning regulations, without exceeding allowable density. Importantly, no additional buildings or expansions are necessary.

2. Efficient Use of Existing Space and Infrastructure

The basement already exists within the approved fourplex, and converting it into a legal suite maximizes the use of existing land and infrastructure. This ensures efficient, responsible development without the need for further construction.

3. Enhancing Housing Affordability

Legalizing this suite will create an additional affordable housing option, contributing to neighborhood diversity and alleviating rental market pressures without large-scale development or significant disruption.

4. Minimal Impact on City Services

The proposed suite will have minimal impact on city services, requiring only an additional garbage bin and no significant strain on infrastructure. Existing water, sewer, and utilities can easily support the suite. This low-impact development aligns with city goals for densification and provides needed housing without expanding the property's footprint or burdening municipal resources.

5. No Exterior Changes or Neighborhood Disruption

Since the suite is entirely within the existing structure, no exterior changes are needed. This preserves the neighborhood's character, ensuring that visual appeal and community aesthetics remain intact.

6. Alignment with City Goals for Infill and Densification

This project supports Edmonton's infill and densification initiatives by increasing housing availability within current infrastructure. It promotes sustainable growth while contributing to urban development objectives.

7. Economic and Community Benefits

Approval of this suite will enhance property value, leading to higher tax revenues without requiring additional infrastructure investment. The project will also stimulate local economic activity by engaging trades and contractors. Furthermore, the new suite will enhance the functionality and value of the property.

Additional Information

Please see the attached legal suite drawings. These drawings clearly show that the suite fits within the existing structure without requiring any exterior changes or expansions. The development makes full use of the approved space, contributing to housing availability with minimal impact on the property or surrounding area.

Summary

Approving this legal suite represents a practical, affordable, and sustainable response to Edmonton's housing needs. With an approved fourplex and three legal suites in place, we respectfully request that the SDAB approve the addition of a fourth legal suite within the existing structure.

Thank you for your attention and consideration.

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| <i>General Matters</i> |
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Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

Appeals

686(1) A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

(a.1) must comply with any applicable land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
- ...
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Zoning Bylaw 20001*:

Under section 2.10.2.2, a **Residential Use** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

Under section 8.10, a **Residential Use** means:

a development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.

This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

Under section 8.20, **Multi-unit Housing** means a building that contains:

- a. 1 or more Dwellings combined with at least 1 Use other than Residential or Home Based Business; or
- b. any number of Dwellings that do not conform to any other definition in the Zoning Bylaw.

Typical examples include stacked row housing, apartments, and housing in a mixed-use building.

Under section 8.20, **Row Housing** means:

a building that contains 3 or more principal Dwellings joined in whole or in part at the side, the rear, or the side and the rear, with none of the principal Dwellings being placed over another. Each principal Dwelling has separate, individual, and direct access to ground level.

Under section 8.10, **Secondary Suite** means:

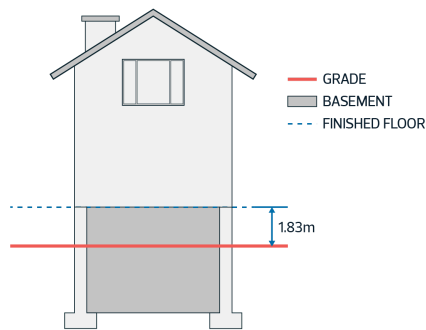
a Dwelling that is subordinate to, and located within, a building in the form of Single Detached Housing, Semi-detached Housing, Row Housing, or Backyard Housing. A Secondary Suite is not a principal Dwelling. A Secondary Suite has a separate entrance from the principal Dwelling, either from a common indoor landing or directly from outside the building. A Secondary Suite has less Floor Area than the principal Dwelling. A Secondary Suite is not separated from the principal Dwelling by a condominium conversion or subdivision.

Under section 8.10, **Dwelling** means:

a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible undercarriage, must be on a foundation, and connected to utilities.

Under section 8.10, **Basement** means:

means the portion of a building or structure that is wholly or partially below ground level. A Basement has a maximum Height of 1.83 m above Grade measured from Grade to the finished level of the floor directly above.





Section 2.10.1 states that the **Purpose** of the **RS - Small Scale Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

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|  | | Project Number: 520490812-002 Application Date: JUL 21, 2024 Printed: December 18, 2024 at 3:39 PM Page: 1 of 8 | | | |
| <h2>Minor Development Permit</h2> | | | | | |
| This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended. | | | | | |
| Applicant | | Property Address(es) and Legal Description(s) 10627 - 149 STREET NW Plan 5887HW Blk 7 Lot 24 | | | |
| | | Specific Address(es) Suite: 1, 10627 - 149 STREET NW Suite: 2, 10627 - 149 STREET NW Suite: 3, 10627 - 149 STREET NW Suite: 4, 10627 - 149 STREET NW Suite: BSMT1, 10627 - 149 STREET NW Suite: BSMT2, 10627 - 149 STREET NW Suite: BSMT3, 10627 - 149 STREET NW Entryway: 1, 10627 - 149 STREET NW Entryway: 2, 10627 - 149 STREET NW Entryway: 3, 10627 - 149 STREET NW Entryway: 4, 10627 - 149 STREET NW Building: 1, 10627 - 149 STREET NW | | | |
| Scope of Permit To construct a Residential Use building in the form of a 4 Dwelling Row House with an unenclosed front porch, 3 Secondary Suites in the Basement and 1 Basement development. | | | | | |
| Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> 1. Titled Lot Zoning: RS 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping </td> <td style="width: 50%; vertical-align: top;"> 2. Number of Principal Dwelling Units To Construct: 4 4. Number of Secondary Suite Dwelling Units to Construct: 4 6. Backyard Housing or Secondary Suite Included?: Yes 8. Development Category / Class of Permit: Permitted Development </td> </tr> </table> | | | | 1. Titled Lot Zoning: RS 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping | 2. Number of Principal Dwelling Units To Construct: 4 4. Number of Secondary Suite Dwelling Units to Construct: 4 6. Backyard Housing or Secondary Suite Included?: Yes 8. Development Category / Class of Permit: Permitted Development |
| 1. Titled Lot Zoning: RS 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping | 2. Number of Principal Dwelling Units To Construct: 4 4. Number of Secondary Suite Dwelling Units to Construct: 4 6. Backyard Housing or Secondary Suite Included?: Yes 8. Development Category / Class of Permit: Permitted Development | | | | |
| Development Permit Decision Approved Issue Date: Dec 18, 2024 Development Authority: ANGELES, JOSELITO Subject to the Following Conditions <p>GENERAL CONDITIONS:</p> <p>This Development Permit authorizes the construction of a Residential Use building in the form of a 4 Dwelling Row House with an unenclosed front porch, 3 Secondary Suites in the Basement and 1 Basement development.</p> <p>The development must be constructed in accordance with the approved drawings.</p> <p>WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a Development Permit Notification Sign (Subsection 7.160.2.2).</p> | | | | | |

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|  | Project Number: 520490812-002 Application Date: JUL 21, 2024 Printed: December 18, 2024 at 3:39 PM Page: 2 of 8 |
| <h2>Minor Development Permit</h2> | |
| <p>Landscaping must be installed and maintained in accordance with Section 5.60.</p> <p>A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided (Subsection 5.60.3.2).</p> <p>Pathway(s) connecting the main entrance of the principal Dwelling directly to an Abutting sidewalk or to a Driveway must be a minimum width of 0.9 m (Subsection 5.80.2.1.1).</p> <p>Screening must be provided for the waste collection area, to the satisfaction of the Development Planner (Subsection 5.120.4.1.5)</p> <p>Parking spaces must include wheel stops a minimum 0.1 m in Height and located 0.6 m from front the parking space (Subsection 5.80.5.1).</p> <p>Outdoor lighting must: be arranged, installed, and maintained to minimize glare and excessive lighting, and to deflect, shade, and focus light away from surrounding Sites to minimize Nuisance; generally be directed downwards, except where directed towards the Site or architectural features located on the Site; be designed to provide an appropriately-lit environment at building entrances, outdoor Amenity Areas, parking facilities, and Pathways; and not interfere with the function of traffic control devices (Subsection 5.120.3).</p> <p>PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner must pay a Development Permit Inspection Fee of \$550.00.</p> <p>The proposed basement development(s) must NOT be used as an additional Dwelling. An additional Dwelling requires a new Development Permit application.</p> <p>Dwelling means a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible undercarriage, must be on a foundation, and connected to utilities (Section 8.20).</p> <p>The proposed wet bar in the basement development must only be used by the household that uses the principal kitchen on the main floor.</p> <p>There may be an inspection in the future to ensure that an illegal suite has not been developed.</p> <p>This Development Permit will be revoked if the conditions of this permit are not met.</p> | |
| <p>TRANSPORTATION CONDITIONS:</p> | |
| <ol style="list-style-type: none"> 1. Access is proposed to the alley and does not require a crossing permit. The area between the east property line and the alley driving surface must be hard surfaced to the satisfaction of Subdivision and Development Coordination. 2. Onsite sidewalks must be developed as accessible and hard-surfaced and must connect the building entrances to the public sidewalk, on-site parking and waste collections areas to meet Section 5.80 of Zoning Bylaw 20001. 3. Prior to construction the project must apply for a Public Tree Permit for all trees on City of Edmonton property within 5m of the construction site or active haul route. These trees will require tree protection and possibly anti-compaction methods prior to construction as per Public Tree Bylaw 18825. For more information on City of Edmonton Tree Protection, please visit https://www.edmonton.ca/treep permit. If tree damage occurs, remediation or removal will be enforced and shall be covered by the proponent as per the Corporate Tree Management Policy (C456C) and Public Tree Bylaw 18825. This includes compensation for tree value on full or partial tree loss as well as operational and administrative fees. <p>A minimum distance of 3 meters must be initiated and maintained from any existing tree in relation to the placement of any above ground permanent structure, which includes ground disturbance for installation and sidewalk connectors. If field adjustments to this</p> | |

Minor Development Permit

desired distance are requested, please contact a City of Edmonton Urban Forester by contacting administration at 780-496-4958.

All costs associated with the removal, replacement or transplanting of trees shall be covered by the Proponent as per the Corporate Tree Management Policy (C456C). City of Edmonton Urban Forestry will schedule and carry out all required tree work involved with this project. If tree damage occurs, compensation or value will be enforced and shall be covered by the applicant as per the Corporate Tree Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work (removal, pruning, transplanting) involved with this project or lay-down request. Please contact 311 to arrange this meeting. This meeting must be scheduled a minimum 4 weeks in advance of the construction start date or use of the lay-down area.

4. Permanent objects including concrete steps, railings, planters, fencing & gate swings etc. must NOT encroach into or over/under road right-of-way. Any proposed landscaping for the development must be provided entirely on private property and only grass is permitted to be planted within the boulevard.

5. There may be utilities within the road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Utility Safety Partners (Online: <https://utilitiesafety.ca/wheres-the-line/submit-a-locate-request/>) (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removal shall be at the expense of the owner/applicant.

6. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:
 -the start/finish date of project;
 -accommodation of pedestrians and vehicles during construction;
 -confirmation of lay down area within legal road right of way if required;
 -and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:

https://www.edmonton.ca/business_economy/oscam-permit-request.aspx and

7. Any sidewalk, alley and/or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Subsection 7.150.5.6 of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.

EPCOR WATER SERVICES CONDITIONS:

1. An Infill Fire Protection Assessment (IFPA) conducted by Edmonton Fire Rescue, Fire Protection Engineer, is a condition of this development permit.

2. There is a 200 mm PVC water main 1.2 m east of the east property line of the subject site in the lane east of 149 Street. Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 19626 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting waterlandadmin@epcor.com.

GENERAL ADVISEMENTS:

Minor Development Permit

Unless otherwise stated, all above references to "subsection numbers" refer to the authority under the Zoning Bylaw.

An issued Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act, the Historical Resource Act, or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).

Any proposed change from the original issued Development Permit may be subject to a revision/re-examination fee. The fee will be determined by the reviewing planner based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

All work within 5 metres of City of Edmonton trees or 10 metres of a City of Edmonton natural stand will require a Public Tree Permit in accordance with Bylaw 18825. For more information on tree protection and Public Tree Permits please see https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit. All new installations, above and below ground, within 5m of a City tree require forestry consultation.

In the event that tree removal or relocation is required on City of Edmonton land, including road right-of-way, all costs associated with the removal or relocation will be borne by the owner/applicant as per the City of Edmonton Corporate Tree Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work. Contact Urban Forestry at City Operations, Parks and Roads Services (311) a minimum of 4 weeks prior to construction, to remove and/or relocate the trees.

City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage. A site mechanical plan stamped by a professional engineer showing water and sewer services, stormwater management calculations and the proposed lot grading design must be submitted to EPCOR Infill Water and Sewer Servicing for review. Following EPCOR's review, the grading plan is forwarded to Development Services for final review and approval. New plan submissions can be made via EPCOR's Builder and Developer web portal in My Account. Visit epcor.com/newconnection and click 'ONLINE APPLICATION' for instructions on the plan submission process. The lot must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading plan must be submitted to lot.grading@edmonton.ca for review and approval.

Signs require separate Development Permit application(s).

TRANSPORTATION ADVISEMENT:

1. It is our understanding that Waste Services may have concerns with the site submission as it relates to carts/bins. Any revisions to the design of the parking/waste area will require recirculation to Subdivision and Development Coordination.

EPCOR WATER SERVICES ADVISEMENTS:

1. The site is currently serviced by a 20 mm copper water service (N33624) located 11 m south of the north property line of Lot 24, off of the lane east of 149 Street. If this service will not be utilized for the planned development, it must be abandoned back to the water main prior to any on-site excavation. The applicant is to contact EPCOR's Water Meter Inspector at 780-412-4000 a minimum of four weeks prior to commencing any work on the site including demolition, excavation or grading for direction on the correct process to follow to have the service isolated and meter removed.

2. EPCOR Water Services Inc. does not review on-site servicing. It is the applicant's responsibility to obtain the services of a professional to complete on-site water distribution design.

3. A new water service may be constructed for this lot directly off EPCOR's 200 mm water main along the lane east of 149 Street

Minor Development Permit

adjacent to the subject site.

4. For information and to apply for a new water service please go to epcor.com/newconnections.

5. For information on service abandonments contact EPCOR Infill Water and Sewer Servicing (IWASS) at wass.drainage@epcor.com or at 780-496-5444.

6. For information on metering and inquiries regarding meter settings please contact EPCOR's Water Meter Inspector at EWSinspections@epcor.com or 780-412-3850.

7. The applicant must submit bacteriological test results to EPCOR Water Dispatch and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-4500 for more information on how to provide the test results. EPCOR Water Dispatch can provide information on the tie-in and commissioning procedure.

8. In reference to City of Edmonton Bylaw 19626 (EPCOR Water Services Bylaw), a private service line must not cross from one separately titled property to another separately titled property even if these properties are owned by the same owner. Refer to the City of Edmonton Design and Construction Standards, Volume 4, Water Service Requirements drawings WA-005-11a and WA005-11b for permitted water service configurations.

9. Hydrant spacing adjacent to the site is 322 m. Hydrant spacing does not meet the requirements based on Volume 4 of the City of Edmonton Design and Construction Standards. Edmonton Fire Rescue Services Engineering must be contacted to assess if Fire Protection of this site is adequate via Infill Fire Protection Assessment (IFPA). Note:

10. In 2022 the Infill Fire Protection Program was initiated to fund water infrastructure upgrades required to meet municipal fire protection standards within core, mature and established neighbourhoods. The program will consider "missing middle" housing forms, mixed use and smaller scale commercial-only developments. EPCOR Water encourages interested applicants to go to the program website for more information and updates (<https://www.epcor.com/products-services/water/water-service-new-developments/Pages/infill-cost-share-program.aspx>).

10a. Please note that being accepted for consideration in the program does not guarantee funding will be granted, as each application will be weighed against a set of criteria.

10b. The next cutoff date for the 2025 construction season September 27, 2024.

10c. An Infill Fire Protection Assessment (IFPA) is required to be considered for funding.

NOTE: The Edmonton Fire Rescue Services (EFRS) has reviewed the existing on-street firefighting water supply features and building details for the titled lot(s) under the subject application and concluded that the subject site is functionally compliant with the municipal standards for hydrant spacing. Therefore, upgrades to existing municipal on-street fire protection infrastructure are not required to support this Development Permit application


11. Development engineering drawings including landscaping and hardscaping must meet Volume 1 (Table of Minimum Offsets) and Volume 4 (April 2021) of the City of Edmonton Design and Construction Standards.


12. Dimensions must be provided as part of the engineering drawing submission package where a tree or shrub bed is installed within 5.0m of a valve, hydrant or curb cock, as per 1.6.1.3 of City of Edmonton Design and Construction Standards Volume 4 (April 2021).


13. The applicant/owner will be responsible for all costs related to any modifications or additions to the existing municipal water infrastructure required by this application.

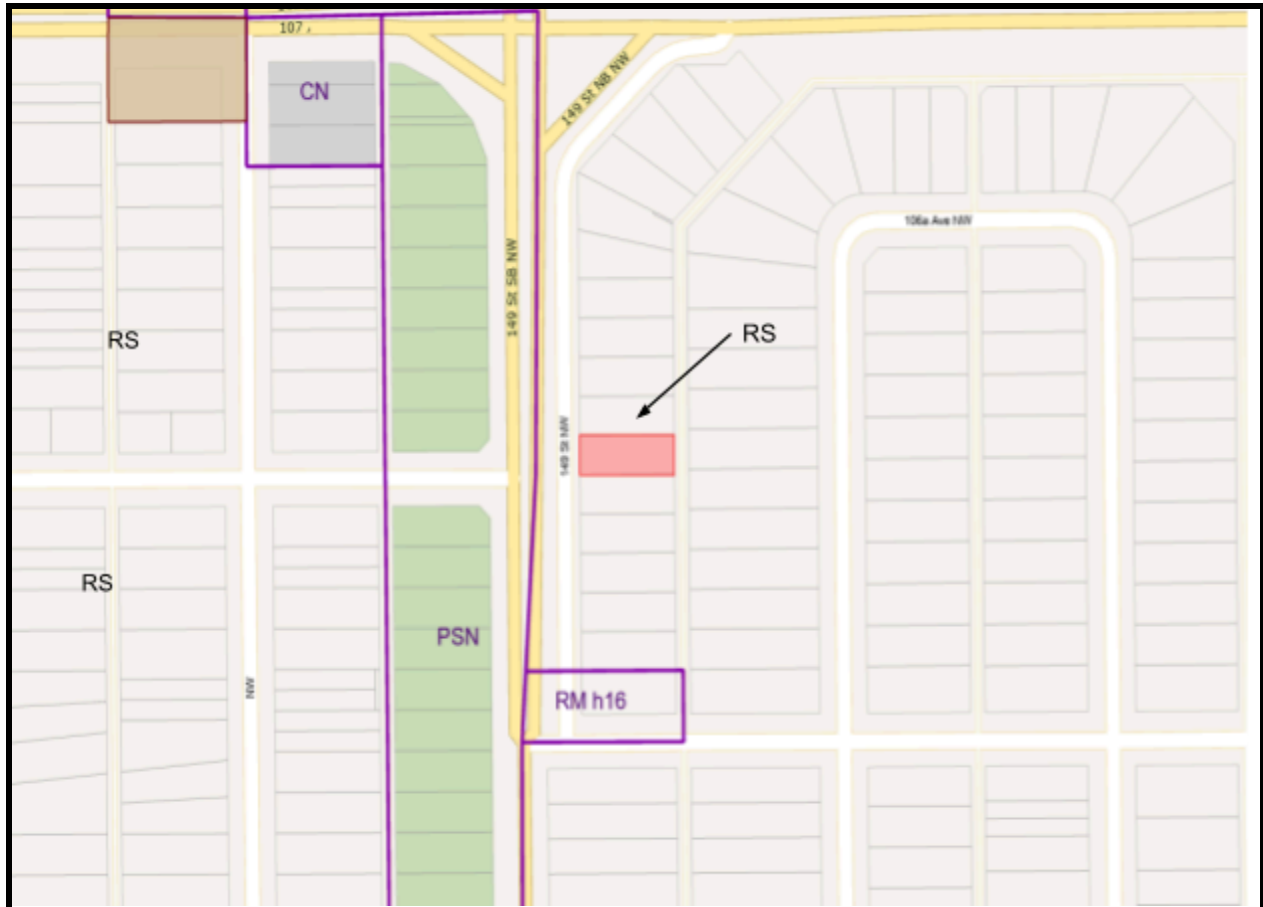
14. No contractor or private developer may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure.

15. The advisements and conditions provided in this response are firm and cannot be altered.

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|  | Project Number: 520490812-002 Application Date: JUL 21, 2024 Printed: December 18, 2024 at 3:39 PM Page: 6 of 8 |
| <h2>Minor Development Permit</h2> | |
| <p>Should you require any additional information, please contact Sarah Chileen at schileen@epcor.com.</p> | |
| <p>FIRE RESCUE SERVICES ADVISEMENTS:</p> | |
| <p>Upon review of the noted development application, Edmonton Fire Rescue Services has no objections to this proposal however, has the following advisements for your implementation and information.</p> | |
| <p>The fire safety plan required for construction and demolition sites in accordance with Article 2.8.1.1. of Division B shall be accepted in writing by the fire department and the authority having jurisdiction. Edmonton Fire Rescue Services will review your plan at the initial construction site safety inspection upon commencement of construction. Reference: NFC(2023-AE) 5.6.1.3. Fire Safety Plan</p> | |
| <p>Have the plan ready for review in-person at the first construction site safety inspection by a Fire Safety Codes Officer (Fire SCO). The applicant of a building permit declares that they are aware of the project team's responsibility to have an FSP prepared according to section 5.6 of the NFC(AE).</p> | |
| <p>A Fire SCO may attend a site at any reasonable hour and will review the FSP. The owner or constructor must have the FSP in place and ready for review in accordance with section 5.6 of the NFC(AE).</p> | |
| <p>You can locate a copy of the FSP guide for your reference here: https://www.edmonton.ca/sites/default/files/public-files/FireSafetyPlanGuide.pdf?cb=1692102771</p> | |
| <p>Ensure that the hydrant(s) servicing the site are fully functional prior to construction and remain accessible and unobstructed during construction. Reference: NFC(2023-AE) 5.6.3.6. Hydrant Access 1) Hydrants on construction, alteration, or demolition site shall a) be clearly marked with a sign, b) be accessible, and c) have an unobstructed clearance of not less than 2 m at all times.</p> | |
| <p>Edmonton Fire Rescue Services Access Guidelines specify that the unobstructed travel path (measured from a fire department vehicle to the entry of the building/unit) must be a minimum 0.9m of clear width (gates must be non-locking) and no greater than 45m. in distance. https://www.edmonton.ca/sites/default/files/public-files/assets/PDF/B19-04_Small_Building_Access_Policy.pdf?cb=1632115800</p> | |
| <p>The path must be of a hard surface such as a sidewalk that is accessible in all climate conditions. Soft surfaces such as grass or landscaped areas will not be considered.</p> | |
| <p>During Construction To meet the requirements of the National Fire Code — 2019 Alberta Edition, Sentence 5.6.1.2.(1), protection of adjacent properties during construction must be considered. https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const Reference: NFC(2019-AE) 5.6.1.2 Protection of Adjacent Building 1) Protection shall be provided for adjacent buildings or facilities that would be exposed to fire originating from buildings, parts of buildings, facilities and associated areas undergoing construction, alteration or demolition operations. Reference: Protection of Adjacent Building- STANDATA - Joint fire/building code interpretation: Protection of Adjacent Buildings During Construction and Demolition https://open.alberta.ca/dataset/4ac126d2-ccb2-455d-b215-7bcb75827924/resource/27dc6f1b-2bbe-451b-8a3f-618013413608/download/ma-standata-interpretation-fire-building-19-fci-005-19-bci-016.pdf</p> | |

|  | Project Number: 520490812-002 Application Date: JUL 21, 2024 Printed: December 18, 2024 at 3:39 PM Page: 7 of 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|-------------|-----------------|--------------|-----------|-----------|----------------------|------------|------------|-----------------|--------------|-----------------|----------|----------|-----------------|--------------|-----------------------------------|----------|----------|-----------------|--------------|-------------------|--------|--|--|--|--------------------|------------|------------|--|--|
| <h2 style="margin: 0;">Minor Development Permit</h2> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Please send ALL FRS DP review inquiries to cmsfpts@edmonton.ca</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>WASTE MANGEMENT SERVICES ADVISEMENTS:</p> <p>Waste Services has reviewed the proposed plan "Landscape Plan" dated Nov.18,24 and has no concerns to identify during this review.</p> <p>This review is based on Waste Services' current standards and practices and expires with the expiry of the Development Permit.</p> <p>Adding any number of additional dwellings beyond what is indicated in this letter may result in changes to your waste collection. Waste Services reserves the right to adjust the collection method, location, or frequency to ensure safe and efficient service.</p> <p>Additional information about waste service at your proposed development:</p> <p>Waste Services Bylaw 20363 notes that as a residential property, your development must receive waste collection from the City of Edmonton.</p> <p>To help in planning and designing your development, please refer to Bylaw 20363 to review clauses related to:</p> <ul style="list-style-type: none"> Access to containers and removal of obstructions. Container set out, and The responsibility for wear and tear or damages. <p>The green cart equivalency program and an exemption to reduce the spacing required to 0.5m between carts while maintaining 1.0 m spacing between carts and any other objects such as vehicles, fences, etc. for this development has been approved for this proposed development with 8 dwellings, allowing it to receive Curbside Collection. The City will provide a total of 12 carts; 8 x 240L for garbage and 4 x 240L for food scraps. Please note:</p> <ul style="list-style-type: none"> Residents would be required to share their food scraps carts. Residents will be required to set out garbage and food scraps carts on collection day as per the set-out instructions. Residents would use blue bags for recycling. <p>For developments with rear lanes, waste will only be collected from the rear lane for all dwellings in the development. It is the responsibility of the applicant or owner to ensure residents have access to the rear lane for waste set out.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Rights of Appeal</p> <p>This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Fees</th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$1,000.00</td> <td style="text-align: right;">\$1,000.00</td> <td>071520240802000</td> <td>Aug 02, 2024</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$480.00</td> <td style="text-align: right;">\$480.00</td> <td>071520240802000</td> <td>Aug 02, 2024</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">\$550.00</td> <td style="text-align: right;">\$550.00</td> <td>071520240802000</td> <td>Aug 02, 2024</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$2,030.00</td> <td style="text-align: right; border-top: 1px solid black;">\$2,030.00</td> <td></td> <td></td> </tr> </tbody> </table> | | Fees | Fee Amount | Amount Paid | Receipt # | Date Paid | Dev. Application Fee | \$1,000.00 | \$1,000.00 | 071520240802000 | Aug 02, 2024 | Lot Grading Fee | \$480.00 | \$480.00 | 071520240802000 | Aug 02, 2024 | Development Permit Inspection Fee | \$550.00 | \$550.00 | 071520240802000 | Aug 02, 2024 | Total GST Amount: | \$0.00 | | | | Totals for Permit: | \$2,030.00 | \$2,030.00 | | |
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| Development Permit Inspection Fee | \$550.00 | \$550.00 | 071520240802000 | Aug 02, 2024 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|---|--|
|  | <div>Project Number: 520490812-002</div> <div>Application Date: JUL 21, 2024</div> <div>Printed: December 18, 2024 at 3:39 PM</div> <div>Page: 8 of 8</div> <div>Minor Development Permit</div> |
| | |
| | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-014

▲
N

TO BE RAISED

ITEM II: 1:30 P.M.

FILE: SDAB-D-25-015

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE
OFFICER

APPELLANT:

APPLICATION NO.: 497922391-002

ORDER TO: Cease the Minor Industrial Use (storage of skidsteer and
Yards Care Inc. trailer) and remove all related
commercial/industrial equipment and trailers from the site
by December 30, 2024

DECISION OF THE
DEVELOPMENT AUTHORITY: Order Issued

ORDER DATE: November 20, 2024

DATE OF APPEAL: December 10, 2024

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 4604 - 119 Avenue NW

LEGAL DESCRIPTION: Plan 4347HW Blk 12 Lot 1

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: North Central District Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

Development compliance is relying on definition of terms they know to be improper interpretations.

Development compliance is violating section 549 of THE MUNICIPAL GOVERNMENT ACT which specifically states that action cannot be taken in regard to that which is under appeal and has not yet been decided. Development Compliance is also engaging in abuse of process by issuing an order for the same "violation" as 7 months ago where they have issued a fine and ticket which is scheduled to be heard at trial on May 01, 2025. It is my understanding that there is the option to issue a ticket OR issue an order, but it is not an option to issue both a ticket and fine and then issue an order once that ticket is set for trial.

The entire case rests on the testimony of one Neighbour who has engaged on a vexatious campaign of harassment against me this past year and a bit that includes literally dozens of "complaints" that have up to this point in time resulted in several by law tickets being withdrawn, two 911 calls a day apart because Mr. King actually following me around town and was stalking me and what I understand is a police file in the process of charging him with criminal harassment. This is the same Neighbour who has in the past went around the neighborhood and collected letters of support and signatures from my surrounding neighbors.... including his own letter of support and signature. I certainly have a case against that complainant under ALBERTA RULES OF COURT 3.68 which prohibits frivolous, vexatious abuse of process. I believe I also have a strong case against the City of Edmonton and Development Compliance under said rule of court considering not only this case but past history.

Finally, all of this ignores the fact that what I do with my property falls under several exemptions under 7.120 where no development permit is required.

| |
|-------------------------------|
| <i>General Matters</i> |
|-------------------------------|

The Subdivision and Development Appeal Board ("SDAB") made and passed the following motion on December 12, 2024:

"The hearing is scheduled for January 30, 2025."

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

(a) this Part or a land use bylaw or regulations under this Part, or

(b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(a) stop the development or use of the land or building in whole or in part as directed by the notice,

(b) demolish, remove or replace the development, or

(c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal the order in the notice in accordance with section 685.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Grounds for Appeal

685(1) If a development authority

(a) fails or refuses to issue a development permit to a person,

(b) issues a development permit subject to conditions, or

(c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

Appeals

686(1) A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Zoning Bylaw 20001*:

A **Minor Industrial Use** is not a **Permitted Use** in the **RS - Small Scale Residential Zone (Section 2.10.2)**.

Under section 8.10, a **Minor Industrial** means:

a development used primarily for 1 or more of the following activities:

- processing raw materials;

- manufacturing, cleaning, servicing, repairing or testing materials, goods and equipment;
- handling, storing, or shipping equipment, goods, and materials;
- training, research and development laboratories; or
- distributing and selling materials, goods and equipment to institutions and industrial and commercial businesses.

Any resulting Nuisance is less impactful than those permitted under the Major Industrial Use.

Typical examples include: auto body repair and paint shops, Cannabis Production and Distribution, commercial recycling depots, contractor and construction services, equipment or vehicle repair and storage facilities, laboratories, landscaping centres, limo service, materials storage, research facilities, taxi service, truck yard, vehicle (truck, aircraft, mobile homes, etc.) and equipment sales and rentals, and warehouses.

Section 2.10.1 states that the **Purpose** of the **RS - Small Scale Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Section 7.110.1 states:

- 1.1. No person may:
 - 1.1.1. undertake, or cause or allow to be undertaken, a development; or
 - 1.1.2. carry on, or cause or allow to be carried on, a development,
 without a Development Permit issued under this Section.

Section 7.200.2.2 states:

- 2.2. If a Development Permit is required but has not been issued or is not valid under this Bylaw, it is an offence for any person to:
 - 2.2.1. construct a building or structure;
 - 2.2.2. make an addition or alteration to a building or structure;
 - 2.2.3. commence or undertake a Use or change of intensity of Use; or

2.2.4. place a Sign on land, or on a building or structure.

| |
|--|
| <i>Previous Subdivision and Development Appeal Board Decision</i> |
|--|

| Application Number | Description | Decision |
|--------------------|--|--|
| SDAB-D-16-270 | Stop Order to Cease the use (General Contractor Services) and remove all related materials from the site before October 10, 2016 | December 2, 2016; The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The Stop Order is UPHELD. |

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.



City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance & Inquiries Unit

10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance



November 20, 2024

Our File: 497922391-002

MUNICIPAL GOVERNMENT ACT ORDER:

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner of the property located at 4604 - 119 Avenue NW in Edmonton, Alberta, legally described as Plan 4347HW Blk 12 Lot 1.

This Property was inspected by Development Compliance Officer Vera Rokic, on November 14, 2024. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 of the Municipal Government Act.

ZONING BYLAW INFRACTION:

This property is zoned RS (Small Scale Residential Zone Zone) in accordance with Section 2.10 of Edmonton Zoning Bylaw 20001. **Our investigation revealed an Industrial Use: Minor Industrial (storage of skidsteer and Yards Care INC trailer) has been developed for which, according to our records of the City of Edmonton, no Development Permit has been issued.**

The City of Edmonton has not issued a Development Permit to develop a Minor Industrial Use which is contrary to Subsection 7.110.1 of Edmonton Zoning Bylaw 20001, and Section 683 of the Municipal Government Act.

Subsection 7.110.1 of Edmonton Zoning Bylaw 20001 states:

Approval Required for Development

- 1.1. No person may: 1.1.1. undertake, or cause or allow to be undertaken, a development; or
- 1.1.2. carry on, or cause or allow to be carried on, a development, without a Development Permit issued under this Section.



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Subsection 7.200.2.2 of Edmonton Zoning Bylaw 20001 states:

2.2. If a Development Permit is required but has not been issued or is not valid under this Bylaw, it is an **offence for any person** to:

- 2.2.1. construct a building or structure;
- 2.2.2. make an addition or alteration to a building or structure;
- 2.2.3. **commence or undertake a Use or change of intensity of Use; or**
- 2.2.4. place a Sign on land, or on a building or structure.

Minor Industrial means: a development used primarily for 1 or more of the following activities:

- processing raw materials;
- manufacturing, cleaning, servicing, repairing or testing materials, goods and equipment;
- **handling, storing, or shipping equipment, goods, and materials;**
- training, research and development laboratories; or
- distributing and selling materials, goods and equipment to institutions and industrial and commercial businesses.

Typical examples include: auto body repair and paint shops, Cannabis Production and Distribution, commercial recycling depots, **contractor and construction services**, equipment or vehicle repair and storage facilities, laboratories, landscaping centres, limo service, materials storage, research facilities, taxi service, truck yard, vehicle (truck, aircraft, mobile homes, etc.) and equipment sales and rentals, and warehouses.

****Minor Industrial Use is not Permitted in the RS (Small Scale Residential Zone). A Development Permit cannot be obtained for this Use****

ORDER:

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to:

CEASE the Minor Industrial Use (storage of skidsteer and Yards Care INC trailer) and remove all related commercial/industrial equipment and trailers from the site by **December 30, 2024.**

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after **December 30, 2024** to determine compliance with this Order.



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In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

Affected persons may appeal this Order by filing within **21 calendar days** to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, RSA 2000, c M-26, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

Regards,

Vera Rokic
Development Compliance Officer
780-446-6144
vera.rokic@edmonton.ca



City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
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Adding amounts owing to tax roll

553(1) A council may add the following amounts to the tax roll of a parcel of land:

- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
- (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
- (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
- (d), (e) repealed 1999 c11 s35; (f) costs associated with tax recovery proceedings related to the parcel;
- (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
- (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
- (h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Land and Property Rights Tribunal under section 501, if the composite assessment review board or the Land and Property Rights Tribunal has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Land and Property Rights Tribunal was related to the parcel;
- (h.1) the expenses and costs of carrying out an order under section 646;
- (i) any other amount that may be added to the tax roll under an enactment.

(2) Subject to section 659, when an amount is added to the tax roll of a parcel of land under subsection (1), the amount

- (a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and
- (b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,



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the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Enforcement of stop order

646(1) If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

(2) A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Grounds for appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

(1.1) A decision of a development authority must state whether an appeal lies to a subdivision and



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development appeal board or to the Land and Property Rights Tribunal.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

(2.1) An appeal referred to in subsection (1) or (2) may be made

(a) to the Land and Property Rights Tribunal

(i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application

(A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,
(B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,

(C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or

(D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,

or

(ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii), or

(b) in all other cases, to the subdivision and development appeal board.

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) is made by a council, there is no appeal to the subdivision and development appeal board, or

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

Appeals

686(1) A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,



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(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(1.1) Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if

(a) in the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or

(b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(2) The board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing

(a) to the appellant,

(b) to the development authority whose order, decision or development permit is the subject of the appeal, and

(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

(a) the application for the development permit, the decision and the notice of appeal, or (b)

the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section



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683.1(8).

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

Subdivision and Development Appeal Board

File your appeal online at:

<https://sdab.edmonton.ca>

The Subdivision and Development Appeal Board (SDAB) hears appeals from people who have been affected by a decision of the Development Authority under the Zoning Bylaw and the Subdivision Authority under the Subdivision Authority Bylaw. The board is appointed by City Council and consists of citizens living in the city of Edmonton.

The SDAB normally meets every Wednesday and Thursday. If required, the Board may set additional dates for hearings.

Once you have met requirements and filed a proper appeal, this Board presides over your hearing.

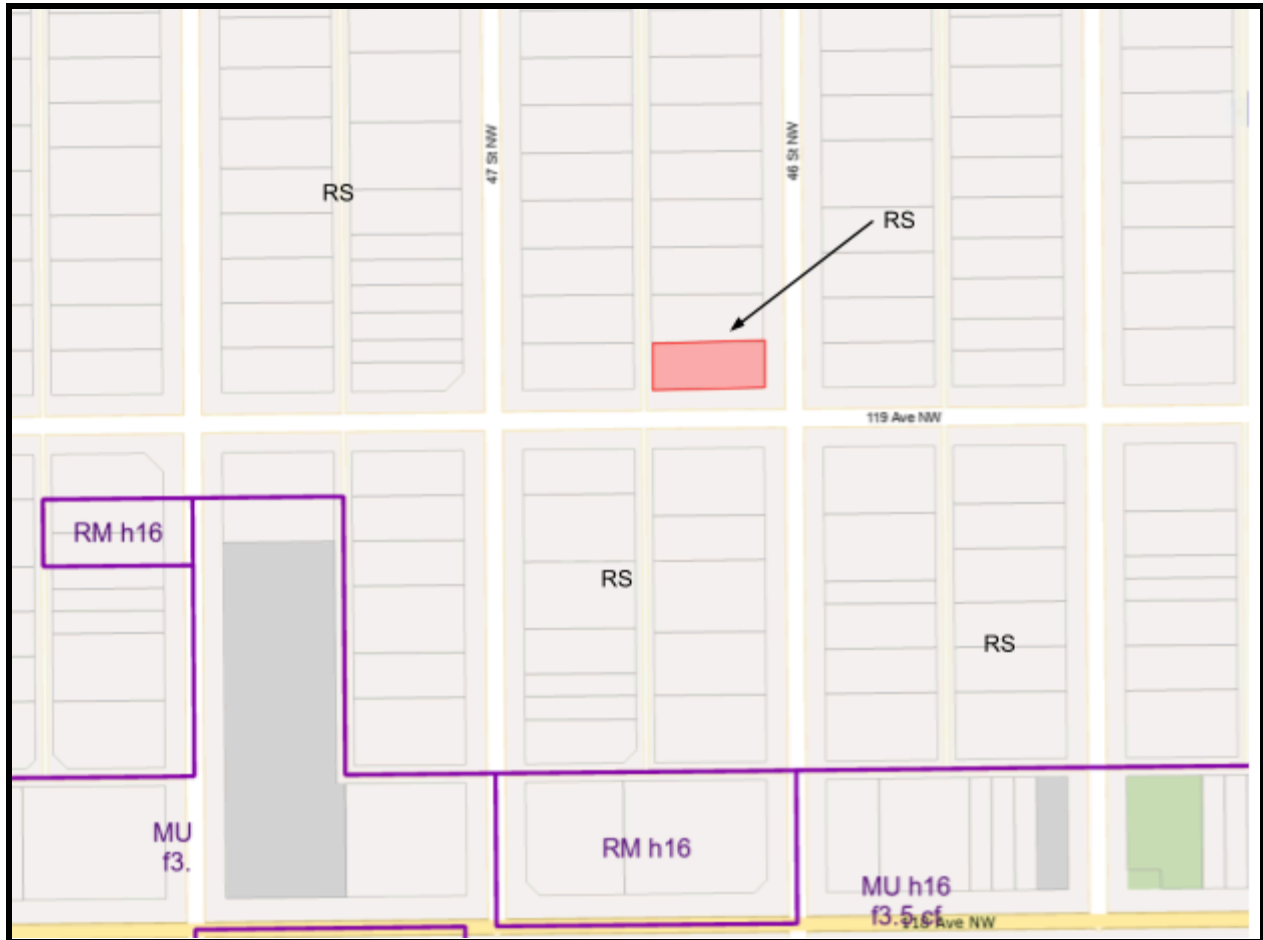
The SDAB is an independent, quasi-judicial body established by City Council, and its decisions are final and cannot be overturned unless the board makes an error in some aspect of law or jurisdiction.

Agendas listing appeals and hearing times scheduled for that day are posted in the hearing waiting area. Hearings do not start before the time listed on the schedule.

For more information:

Subdivision and Development Appeal Board

Telephone 780-496-6079 Fax 780-577-3537 Email sdab@edmonton.ca



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-015

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